

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1010 be amended to read as follows:

- 1 Page 1, delete lines 13 through 14.
- 2 Page 1, line 15, delete "(2)" and insert "(1)".
- 3 Page 1, after line 15, begin a new line block indented and insert:
- 4 **"(2) Providing the owner of the property with an appraisal or**
- 5 **other evidence used to establish the proposed purchase price.**
- 6 **(3) Conducting good faith negotiations with the owner of the**
- 7 **property."**
- 8 Page 2, delete lines 1 through 2.
- 9 Page 3, line 40, delete "." and insert "and \_\_\_\_\_ (condemnor)
- 10 **is not required to agree to your demands."**
- 11 Page 6, line 17, after "written" insert "**uniform property or**
- 12 **easement"**.
- 13 Page 6, line 19, delete "rejects the" and insert "**fails to accept an**".
- 14 Page 6, line 19, delete ";" and insert "**from the person;**".
- 15 Page 6, line 28, after "domain" insert "**for the same project or a**
- 16 **substantially similar project"**.
- 17 Page 6, between lines 29 and 30, begin a new paragraph and insert:
- 18 **"(d) If a condemnor decides to not acquire a parcel of real estate**
- 19 **for which a written uniform property or easement acquisition offer**
- 20 **has been issued under section 5 of this chapter, the condemnor:**
- 21 **(1) shall notify the owner of the parcel of real estate; and**
- 22 **(2) may not exercise the power of eminent domain for at least**
- 23 **one (1) year after the date the condemnor notifies the owner**
- 24 **under this subsection if the parcel would be acquired for the**
- 25 **same or a substantially similar project."**

Page 6, delete lines 39 through 42, begin a new line block indented and insert:

**"(2) any other person that may exercise the power of eminent domain if the person seeks to acquire a parcel of land or a property right:**

**(A) to provide, improve, or upgrade a feeder road that:**

**(i) can provide access to; and**

**(ii) is within a five (5) mile radius of;**

**a state highway or toll road or toll bridge that is part of an Indiana department of transportation project described in subdivision (1); and**

**(B) beginning not more than five (5) years after the Indiana department of transportation project begins."**

Page 7, delete line 1.

Page 7, line 16, after "domain" insert **"for the same or a substantially similar project"**.

Page 8, line 16, delete "upon written motion of the" and insert **"for not more than thirty (30) additional days."**

Page 8, delete line 17.

Page 10, delete lines 33 through 42, begin a new paragraph and insert:

**"Sec. 1. (a) As used in this section, "private person" means a person that is not a governmental or quasi-governmental entity.**

**(b) Except as provided in subsection (c), this chapter applies to a condemnor that exercises the power of eminent domain:**

**(1) to acquire a parcel of real property from a private person; and**

**(2) with the intent of transferring the ownership or total control of the parcel:**

**(A) to another private person for at least thirty (30) years; and**

**(B) not more than three (3) years after acquiring the parcel.**

**(c) This chapter only applies to the Indiana department of transportation when the department exercises the power of eminent domain:**

**(1) to acquire a parcel of real property from a private person; and**

**(2) with the intent of transferring the ownership or total control of the parcel to another private person."**

Page 11, delete lines 1 through 4.

Page 11, line 17, delete "is unfit for human" and insert ":".

Page 11, delete line 18.

Page 12, line 1, delete "and" and insert **", garbage, or other"**.

Page 12, between lines 12 and 13, begin a new line double block indented and insert:

1           **"(J) There is a reasonable doubt concerning who owns the**  
 2           **parcel.**

3           **(K) At least seventy-five percent (75%) of the parcel is**  
 4           **contiguous to a parcel that meets at least one (1) of the**  
 5           **conditions described in clauses (A) through (J)."**

6           Page 12, delete lines 16 through 19, begin a new line double block  
 7           indented and insert:

8           **"(B) that would not exceed:**

9                 **(i) by more than one hundred percent (100%) the**  
 10                **amount of the established offer for the parcel of real**  
 11                **property described in subdivision (1); and**

12               **(ii) by more than five percent (5%) the total cost of the**  
 13                **established offers for acquiring all the parcels of real**  
 14                **property that are necessary to complete the project that**  
 15                **includes the parcel of real property described in**  
 16                **subdivision (1);"**

17           Page 12, line 34, after "(ii)" insert **"upon the request of the owner**  
 18           **and if the owner and condemnor both agree,"**.

19           Page 13, line 18, after "(\$1,000)." insert **"However, the total**  
 20           **amount of attorney's fees that a condemnor may be required to**  
 21           **reimburse an owner under this section may not exceed two**  
 22           **hundred fifty thousand dollars (\$250,000)."**

23           Page 16, line 14, delete "on or".

24           Page 16, line 14, delete "November 23, 2005." and insert **"July 1,**  
 25           **2006."**

(Reference is to HB 1010 as printed January 11, 2006.)

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Representative Wolkins